

**Security Council**

Fifty-ninth year

*Provisional***4974th** meeting

Friday, 21 May 2004, 10 a.m.

New York

<i>President:</i>	Mr. Akram	(Pakistan)
<i>Members:</i>	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Cunningham

Agenda

The situation in the Middle East, including the Palestinian question

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs, to whom I give the floor.

Mr. Prendergast: Since the Secretariat's most recent briefing to the Security Council, on 23 April (see S/PV.4951), the situation in the Middle East has been characterized by the — tragically — by now all-too-familiar phenomenon of growing violence, destruction and despair. On Wednesday, the Council addressed the crisis in resolution 1544 (2004). From that resolution I would like to draw two points: first, the need for the Government of Israel to ensure that in defending its citizens it stays within the parameters of international law; and secondly, the need for both parties immediately to implement their obligations under the road map.

Meanwhile, the statistics make grim reading. Over the past month, 128 Palestinians and 19 Israelis have been killed, and hundreds more injured. The Israeli army has demolished hundreds of Palestinian homes, in breach of its obligations under international law. Economic conditions have continued to worsen still further, bringing yet more suffering, and deepening the prevailing despair. The humanitarian situation in the occupied Palestinian territory, although stable, is at a very low point, with visible signs of donor fatigue and a severe shortage of finances for

humanitarian assistance efforts. Elsewhere in the region, along the Blue Line, violations have threatened to disrupt a precarious stability.

At the political level, deadlock prevails. At our most recent briefing, the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, Terje Roed-Larsen, described the political crossroads lying ahead of the parties, whose choices will determine the foreseeable future of the peace effort in the Middle East. Unfortunately, and despite strong calls by the international community, both Israel and the Palestinian Authority are stalled at those crossroads.

The international community, led by the Quartet, recently reiterated its commitment to finding a peaceful solution to the Arab-Israeli conflict and to assisting both Israelis and Palestinians out of the current morass through the implementation of the Quartet's road map. The meeting of Quartet principals held at United Nations Headquarters on 4 May articulated that strong commitment in some detail.

First, the Quartet principals reiterated that all final-status issues such as borders and refugees should be negotiated by the parties, and that such negotiations must be based on the terms of reference of the peace process, including relevant Security Council resolutions and the Arab peace initiative. The principals emphasized that the outcome of negotiations cannot be pre-empted. This reiteration is not rhetorical; it is designed to reassure the parties of the international community's backing for their legitimate claims. The Quartet wants to give the parties confidence that taking the measures required by the international community now will in no way undermine their final-status rights and claims.

Secondly, the Quartet set out principles for the success of the Gaza withdrawal initiative, namely that it should be complete, it must lead to an end of the occupation of Gaza, and it must be accompanied by similar steps in the West Bank. Such a withdrawal would be a welcome development, as it could represent a beginning, not an end, of a process which carries the potential of restarting the peace process in a meaningful way.

Thirdly, the Quartet expressed its readiness to engage with a reformed, reorganized and accountable

Palestinian Authority, and with an empowered Prime Minister and Cabinet which is committed to reform and to combating violence and terrorism. None of these requirements is new or imposed. They are requirements of the road map.

The Palestinian Authority, and President Arafat himself, have embraced all of them and committed themselves to their implementation. The Quartet awaits the fulfilment of those commitments.

Fourthly, the Quartet urged the Government of Israel to dismantle, immediately and without further delay, all settlement outposts erected since March 2001 and to move towards a full settlement freeze, including a freeze on natural growth. The Quartet expressed its grave concern over the course and the consequences of the construction of the barrier, despite Israel's pledge that the barrier is to be temporary and for security — not political — purposes. The Quartet also reminded Israel of its obligation to comply fully with the provisions of international law and to assume its responsibilities as an occupying Power.

Finally, the Quartet principals started discussion of an action plan designed to move the parties ahead and to help them in meeting their obligations. Discussions are still ongoing, and the Quartet envoys will start acting upon them as soon as those discussions conclude.

I take this opportunity to remind the Council that action by the international community or the Quartet is no substitute for steps taken by the parties. Experience from other conflicts is that solutions are adopted and implemented only when the parties themselves decide to do so. In the case at hand, deadlocks and paralysis continue to prevent the parties from taking the courageous decisions needed to begin moving along the Quartet's road map.

In Israel earlier this month, a majority of the Likud party voted against Prime Minister Sharon's initiative to withdraw unilaterally from the Gaza Strip. That rejection sparked an internal debate during which the Prime Minister reiterated his intention to pursue the initiative. Support for a withdrawal had been demonstrated by the tens of thousands of Israelis who took to the streets of Tel Aviv and by opinion polls that show strong popular support for a Gaza pullout. Unfortunately, that debate cast a shadow over the more fundamental issues: namely, the nature, the scope and the terms of the Gaza withdrawal, as well as its

relationship to implementation of the road map. Consequently, we are facing a stalemate, awaiting political decisions needed to transform the initiative into a plan aimed at ending the occupation of Gaza and leading to the full end of the occupation that started in 1967.

During this period, Israeli settlement expansion continued unabated in Gaza and in the West Bank, prompting Palestinians to wonder if all the talk about settlement evacuation was a cover-up for more expansion. Reports estimated the number of inhabitants of the outposts erected since March 2001 at 2,000, with some of the outposts connected by roads, electricity and water supplies. I would like to remind the Council that those outposts should have been dismantled upon the release of the road map a year ago.

Together with settlement expansion, the construction of the barrier continues to erode Palestinian territory and Palestinian hope. According to the best estimates of the latest Israeli construction plans, the barrier will put more than 12 per cent of the West Bank — plus occupied East Jerusalem — on the Israeli side of the barrier. Although Prime Minister Sharon has stated that the barrier is temporary, it is equally clear that Palestinians see it as the greatest single threat to the viability of their future State.

In our briefing last month, as well as bilaterally and together with the Quartet, we called on the Palestinian leadership to reorganize and to act decisively against terror and violence. We called on President Arafat to take a historic action in order to reinvigorate and refocus the Palestinian Authority, end the current vacuum and paralysis, and revitalize the Palestinian leadership. Such action is needed in order to address the Palestinian Authority's frustrating and increasing credibility deficit in the area of security reform, and, therefore, to engage Israel on the track of peace.

The international community is entitled to judge the Palestinian Authority by its actions in this regard. It is essential, in our view, that the Palestinian Authority grasp the nettle of reform without further delay. First of all, the Palestinian Authority will need to provide effective rule of law and government services in the event of a unilateral Israeli withdrawal from Gaza. Moreover, the Quartet needs a reformed Palestinian Authority as a full and effective partner.

While the parties stalled and deferred the critical decisions facing them, the situation on the ground deteriorated quickly. On 2 May, a Palestinian gunman killed a pregnant Israeli woman and her four children in cold blood near a settlement in the Gaza Strip. On the same day, the Israeli Defence Forces (IDF) destroyed 12 houses in the neighbouring Azir area in Khan Younis. On 3 May, one house was destroyed and another partially damaged in the neighbouring Abu Alajeen area. A few days later, the mourners for the mother and her four children were shot at during the funeral. The IDF demolished the house from where the shooting originated, and, on 9 May, it demolished nine other houses. In the same area, the IDF began constructing a seven-kilometre barrier and installed a barbed-wire fence running from the Kfar Darom settlement to the Qissufim road.

Also on 9 May, Israeli forces carried out a large-scale incursion into the densely populated Az-Zaytoun neighbourhood of Gaza City. During the incursion, Palestinian militants ambushed and destroyed an armoured personnel carrier, killing six soldiers. Heavy fighting ensued, resulting in the deaths of 13 Palestinians, among them four children and a 60-year-old man, and in injuries to more than 100 people, among them at least 25 children. The IDF also shelled buildings in the neighbourhood, inflicting extensive material damage. Palestinian militants belonging to the Islamic Jihad and Hamas took away the body parts of the dead soldiers, adding a gruesome new dimension to an already ugly situation. The IDF announced that it would continue besieging the neighbourhood until the body parts were restored, effectively taking the civilian population hostage and punishing them for actions committed by the militants.

Three days later, on 12 May, just as the Government of Egypt had negotiated the restitution of the slain soldiers' bodies to the IDF and the end of the siege, a landmine in Rafah destroyed a second Israeli armoured personnel carrier, killing five soldiers and injuring three others. Another round of heavy fighting ensued, resulting in the death of 24 Palestinians and injury to 200 others. Since then, the IDF has demolished hundreds of Palestinian homes in Rafah. In just the two days following the 12 May attack, more than 1,000 people in Rafah were rendered homeless. The Government of Israel says that the destruction is part of an effort to stem the flow into Gaza of arms used to attack Israelis. The Secretary-General has

condemned such actions and has reminded Israel both of its obligations under international law and that collective punishment is a grave breach of international humanitarian law.

In total, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) reports that more than 18,000 people have lost their homes in Gaza since the outbreak of the uprising in September 2000. UNRWA estimates that it would cost \$32 million to re-house them. To date, UNRWA has managed to re-house only 1,000 homeless people.

Particularly disturbing, amid the violence in Gaza, was Israel's strike that resulted in deaths among a crowd of demonstrators on 19 May in Rafah. At least eight Palestinians, many of them children, were killed as they protested against the military operation. Israel apologized for the deaths, saying that they might have been caused by an errant shell, but that does not excuse the Israeli military for firing heavy weapons near a crowd of civilians. The Secretary-General strongly condemned the tragic event and called on Israel immediately to halt the military operations in Gaza. Let me reiterate what he said then and what we have said consistently throughout the current hostilities. Israel must abide by its obligations as the occupying Power, which include protecting the civilian population and eschewing the use of disproportionate or indiscriminate force.

During this reporting period, Israel continued its policy of extrajudicial killings. On 15 May the Israeli air force carried out air strikes against the house and office of an Islamic Jihad leader, Mohamed Hindi, in an attempt to kill him. We again call on Israel to cease immediately this illegal policy. IDF raids and incursions in Palestinian areas continued. Palestinians sources claimed that the number of raids and incursions during the past month number 239 in the West Bank and 58 in the Gaza Strip. Those raids were accompanied by arrests in 141 cases.

Not surprisingly in these circumstances, the Palestinian economy continued to languish. Recent economic indicators show that unemployment increased by 2 per cent in the first quarter of 2004 and that the number of Palestinians working in Israel declined by approximately 2,000 persons during the same period, out of approximately 56,000 Palestinians estimated to work in Israel during that time.

Unemployment increased for the second consecutive quarter and now stands at 26.3 per cent.

Gazan workers were only able to leave Gaza for approximately seven days in March, but since Hamas leader Abdel Aziz Al-Rantisi's killing, the Erez crossing has been closed to workers entering Israel.

Following Prime Minister Sharon's announcement in December 2003 that restrictions on movement would be lifted, there had been some signs this year that closures had eased periodically. Despite that, so-called back-to-back platforms continued to restrict commercial traffic between most urban centres. Roadblocks, checkpoints, earth mounds, ditches and gates have continued to be enforced in 2004. Furthermore, checkpoints and earth mounds are removed and re-imposed at short notice, preventing Palestinians from planning economic and social activity.

The financial position of the Palestinian Authority remains critical. Revenues are expected to be 3 per cent less than pre-crisis levels, while expenditures have risen 25 per cent during the same period. The monthly budget deficit, currently at approximately \$35 million, is nearly 50 per cent higher than pre-crisis levels. The only positive news in this regard is the announcement by the World Bank in late April that it was launching a new trust fund to support the Palestinian Authority budget and reform. Norway has transferred \$12 million into the new fund.

In the midst of so much destruction and violence, as we try to look for ways out of the impasse, the following points may be relevant. First, the idea of an Israeli withdrawal from the Gaza Strip seems to have gained momentum and now looks more likely than before. Secondly, there is agreement in the international community that withdrawal from Gaza should be carried out in a way that makes it an end of the occupation and signals a new beginning for the peace process. Thirdly, we note that all parties have a stake and responsibilities in this regard: the Government of Israel, the Palestinian Authority, regional players, the Quartet and, of course, the Security Council. We detailed those roles and responsibilities in our last briefing, delivered by Mr. Roed-Larsen, and I need not repeat them here. However, if Israel pulled out from the Strip while retaining control over the crossings and sealing off Gaza, while at the same time a weakened Palestinian

Authority failed to maintain law and order and the international community refrained from footing the bill for the consequences of such a scenario, nothing less than a humanitarian disaster would hit Gaza, which could then become a hub for terror and chaos. No doubt, that is a worst-case scenario, but it is one that we should keep in mind while urging the parties to follow the right path.

If I may turn now to the situation in southern Lebanon, troubling incidents in the past month again demonstrated the fragility of the situation along the Blue Line. On 5 May there were more than 20 Israeli air incursions into Lebanon, across the Blue Line. Ensuing anti-aircraft fire by Hizbullah resulted in rounds landing close to the Israeli town of Shalomi. The IDF responded with air raids on two suspected Hizbullah positions south-east of Tyre. Fortunately, no casualties were reported on either side. These events ended a six-week period of relative calm. Less than 48 hours later, Hizbullah engaged the IDF in an exchange of fire in the Shab'a farms area, when they launched missiles, mortars and small arms fire against an IDF position. One Israeli soldier was killed and five others were injured. The IDF responded with tank, artillery, mortar and machine-gun fire, as well as with aerial bombs, in the vicinity of Shab'a and Kafr Shuba. In addition, the IDF targeted a position of the United Nations Interim Force in Lebanon (UNIFIL) with three smoke rounds, which UNIFIL strongly protested to the IDF. We have reminded Israel of the inviolability of United Nations personnel and property.

The Lebanese authorities asserted that the firing by Hizbullah came after an IDF patrol had violated the Blue Line in the Shab'a farms. The IDF in turn claimed that Hizbullah had planted booby traps on the perimeter of the IDF position. At the request of the Government of Lebanon, UNIFIL undertook an investigation, but was unable to confirm or deny the claims by either party.

Following the incidents of 5 May, the Personal Representative of the Secretary-General for southern Lebanon, Staffan de Mistura, publicly urged both sides to exercise restraint amidst a background of high regional tension. The Secretary-General, on 7 May, expressed his great concern about the escalations of that week and strongly urged the parties to exercise restraint. The United Nations has consistently criticized the use of force by either side and has called on the parties to abide by their obligations under the

relevant Security Council resolutions. The United Nations has also on many occasions pointed to the unwarranted and provocative nature of Israeli air violations and has called upon the Israeli authorities to halt them. The Lebanese authorities too have been urged repeatedly to halt the firing of anti-aircraft rounds from Lebanese territory, which in the past have caused civilian fatalities.

All parties have claimed that they do not wish to see a deterioration of the situation along the Blue Line. Given the potential for any incident to escalate, we urge the Governments of Lebanon and Israel to follow up their stated intentions to ensure calm along the Blue Line with actions on the ground and to refrain from further hostile acts.

If I may say a word about Syria and Israel, on the instructions of the Secretary-General, Mr. Roed-Larsen met last week with Presidents Katzav, Lahoud and Assad, as well as with other Israeli, Lebanese and Syrian officials in order to explore ways in which it might be possible to make headway on the Lebanese and Syrian tracks. He will continue his efforts. There is no intrinsic reason why those tracks should remain frozen; the ingredients of peace are in place. What is

needed now are political decisions by the parties to move ahead quickly. A Syrian-Lebanese-Israeli peace agreement would radically improve the atmosphere in the region in favour of peace and security.

Let me conclude by saying that I regret very much the need to deliver such a melancholy briefing, full of death and destruction and human misery. Surely, the people of Israel and Palestine deserve better news, rays of hope. There has to be a better way. In fact, there is a better way, in the shape of the road map. It is not new, but it is viable, once the leadership on both sides have the vision and the courage to start following it in good faith and with determination, and to continue along it to the very end. As always, it is a question of political will.

The President: I thank Under-Secretary-General Prendergast for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.40 a.m.